

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DUSTIN ROSS KELLEY,

Petitioner,

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RONALD FRAKER,

## Respondent.

CASE NO. C12-5993 BHS-JRC

## ORDER TO SHOW CAUSE

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge, J. Richard Creatura. The authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from state convictions. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

Petitioner is represented by counsel. The petition was filed November 16, 2012, but no filing fee was paid (ECF No. 1). On November 19, 2012, the Clerk's Office sent a deficiency letter to petitioner at the Clallam Bay Corrections Center. Petitioner's counsel should have received this letter electronically. Petitioner had until December 19, 2012 to pay the filing fee or

1 file a motion to proceed in forma pauperis (ECF No. 2). To date no response to the deficiency  
2 letter has been received.

3 Petitioner is ordered to show cause on or before February 8, 2013 why the Court should  
4 not be dismiss this action for failure to pay the filing fee or file an application to proceed in  
5 forma pauperis. Petitioner may pay the filing fee or move to proceed in forma pauperis in lieu of  
6 filing a response to this order.

7 Dated this 10<sup>th</sup> day of January, 2013.

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10 J. Richard Creatura  
11 United States Magistrate Judge  
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